

Union Calendar No. 87

110TH CONGRESS
1ST SESSION

H. R. 1773

[Report No. 110–147]

To limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mrs. BOYDA of Kansas (for herself, Mr. DEFazio, and Mr. OBERSTAR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

MAY 14, 2007

Additional sponsors: Mr. RYAN of Ohio, Mr. HOLDEN, Mr. WILSON of Ohio, Mr. LANTOS, Mr. ABERCROMBIE, Ms. HERSETH SANDLIN, Mr. CARNAHAN, Mr. FERGUSON, Mr. LINCOLN DAVIS of Tennessee, Mrs. EMERSON, Mrs. MILLER of Michigan, Mr. CLEAVER, Mr. LOBIONDO, Mrs. NAPOLITANO, Mr. HOEKSTRA, Mr. UDALL of Colorado, Mr. ALTMIRE, Ms. MCCOLLUM of Minnesota, Mr. RAHALL, Mr. SKELTON, Mr. DAVIS of Kentucky, Mr. SHULER, Mr. CARNEY, Mr. KAGEN, Ms. CORRINE BROWN of Florida, Mr. MICHAUD, Mr. BAIRD, Mr. COSTELLO, Mr. BOSWELL, Mr. LATOURETTE, Mr. MITCHELL, Mr. LIPINSKI, Mr. HIGGINS, Mr. MURTHA, Mr. WALZ of Minnesota, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Ms. KAPTUR, Ms. WOOLSEY, Mr. HARE, Mr. POE, Mr. ENGLISH of Pennsylvania, Mr. MOLLOHAN, Mr. MOORE of Kansas, Mr. ELLSWORTH, Mr. ROSS, Ms. SUTTON, Mr. BERRY, Mr. JOHNSON of Georgia, and Mr. ROSKAM

MAY 14, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 29, 2007]

A BILL

To limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Safe American Roads*
 5 *Act of 2007”.*

6 **SEC. 2. LIMITATION ON GRANTING AUTHORITY.**

7 *The Secretary of Transportation may not grant au-*
 8 *thority to a motor carrier domiciled in Mexico to operate*
 9 *beyond United States municipalities and commercial zones*
 10 *on the United States-Mexico border, except under the pilot*
 11 *program authorized by this Act.*

12 **SEC. 3. PILOT PROGRAM.**

13 *(a) IN GENERAL.—The Secretary of Transportation*
 14 *may carry out, in accordance with section 350 of Public*
 15 *Law 107–87, section 31315(c) of title 49, United States*
 16 *Code, all Federal motor carrier safety laws and regulations,*
 17 *and this Act, a pilot program that grants authority to not*
 18 *more than 100 motor carriers domiciled in Mexico to oper-*

1 *ate beyond United States municipalities and commercial*
 2 *zones on the United States-Mexico border.*

3 *(b) LIMITATION ON COMMERCIAL MOTOR VEHICLES*
 4 *PARTICIPATING IN PILOT PROGRAM.—The number of com-*
 5 *mercial motor vehicles owned or leased by motor carriers*
 6 *domiciled in Mexico which may be used to participate in*
 7 *the pilot program shall not exceed 1,000.*

8 *(c) PILOT PROGRAM PREREQUISITES.—The Secretary*
 9 *may not initiate the pilot program under subsection (a)*
 10 *until—*

11 *(1) the Inspector General of the Department of*
 12 *Transportation submits to Congress and the Secretary*
 13 *a report—*

14 *(A) independently verifying that the De-*
 15 *partment is in compliance with each of the re-*
 16 *quirements of subsections (a) and (b) of section*
 17 *350 of Public Law 107–87; and*

18 *(B) including a determination of whether*
 19 *the Department has established sufficient mecha-*
 20 *nisms—*

21 *(i) to apply Federal motor carrier safe-*
 22 *ty laws and regulations to motor carriers*
 23 *domiciled in Mexico; and*

24 *(ii) to ensure compliance with such*
 25 *laws and regulations by motor carriers*

1 *domiciled in Mexico who will be granted*
2 *authority to operate beyond United States*
3 *municipalities and commercial zones on the*
4 *United States-Mexico border;*

5 *(2) the Secretary of Transportation—*

6 *(A) takes such action as may be necessary*
7 *to address any issues raised in the report of the*
8 *Inspector General under paragraph (1); and*

9 *(B) submits to Congress a detailed report*
10 *describing such actions;*

11 *(3) the Secretary determines that there is a pro-*
12 *gram in effect for motor carriers domiciled in the*
13 *United States to be granted authority to begin oper-*
14 *ations in Mexico beyond commercial zones on the*
15 *United States-Mexico border;*

16 *(4) the Secretary publishes in the Federal Reg-*
17 *ister and provides sufficient opportunity for public*
18 *comment on the following:*

19 *(A) a detailed description of the pilot pro-*
20 *gram and the amount of funds the Secretary will*
21 *need to expend to carry out the pilot program;*

22 *(B) the findings of each pre-authorization*
23 *safety audit conducted, before the date of enact-*
24 *ment of this Act, by inspectors of the Federal*
25 *Motor Carrier Safety Administration of motor*

1 *carriers domiciled in Mexico and seeking to par-*
2 *ticipate in the pilot program;*

3 *(C) a process by which the Secretary will be*
4 *able to revoke Mexico-domiciled motor carrier op-*
5 *erating authority under the pilot program;*

6 *(D) specific measures to be required by the*
7 *Secretary to protect the health and safety of the*
8 *public, including enforcement measures and pen-*
9 *alties for noncompliance;*

10 *(E) specific measures to be required by the*
11 *Secretary to enforce the requirements of section*
12 *391.11(b)(2) of title 49, Code of Federal Regula-*
13 *tions, as in effect on the date of enactment of this*
14 *Act;*

15 *(F) specific standards to be used to evaluate*
16 *the pilot program and compare any change in*
17 *the level of motor carrier safety as a result of the*
18 *pilot program;*

19 *(G) penalties to be levied against carriers*
20 *who, under the pilot program, violate section*
21 *365.501(b) of title 49, Code of Federal Regula-*
22 *tions, as in effect on the date of enactment of this*
23 *Act;*

24 *(H) a list of Federal motor carrier safety*
25 *laws and regulations for which the Secretary*

1 *will accept compliance with a Mexican law or*
 2 *regulation as the equivalent to compliance with*
 3 *a corresponding Federal motor carrier safety law*
 4 *or regulation, including commercial driver's li-*
 5 *cense requirements; and*

6 *(I) for any law or regulation referred to in*
 7 *subparagraph (H) for which compliance with a*
 8 *Mexican law or regulation will be accepted, an*
 9 *analysis of how the requirements of the Mexican*
 10 *and United States laws and regulations differ;*
 11 *and*

12 *(5) the Secretary establishes an independent re-*
 13 *view panel under section 4 to monitor and evaluate*
 14 *the pilot program.*

15 **SEC. 4. INDEPENDENT REVIEW PANEL.**

16 *(a) ESTABLISHMENT OF PANEL.—The Secretary of*
 17 *Transportation shall establish an independent review panel*
 18 *to monitor and evaluate the pilot program under section*
 19 *3. The panel shall be composed of 3 individuals appointed*
 20 *by the Secretary.*

21 *(b) DUTIES.—*

22 *(1) EVALUATION.—The independent review panel*
 23 *shall—*

24 *(A) evaluate any effects that the pilot pro-*
 25 *gram has on motor carrier safety, including an*

1 *analysis of any crashes involving motor carriers*
2 *participating in the pilot program and a deter-*
3 *mination of whether the pilot program has had*
4 *an adverse effect on motor carrier safety; and*

5 *(B) make, in writing, recommendations to*
6 *the Secretary.*

7 (2) *RECOMMENDATIONS.—If the independent re-*
8 *view panel determines that the pilot program has had*
9 *an adverse effect on motor carrier safety, the panel*
10 *shall recommend, in writing, to the Secretary—*

11 *(A) such modifications to the pilot program*
12 *as the panel determines are necessary to address*
13 *such adverse effect; or*

14 *(B) termination of the pilot program.*

15 (c) *RESPONSE.—Not later than 5 days after the date*
16 *of a written determination of the independent review panel*
17 *that the pilot program has had an adverse effect on motor*
18 *carrier safety, the Secretary shall take such action as may*
19 *be necessary to address such adverse effect or terminate the*
20 *pilot program.*

21 **SEC. 5. INSPECTOR GENERAL REVIEW.**

22 (a) *IN GENERAL.—The Inspector General of the De-*
23 *partment of Transportation—*

24 *(1) shall monitor and review the pilot program;*

1 (2) *not later than 12 months after the date of*
2 *initiation of the pilot program, shall submit to Con-*
3 *gress and the Secretary of Transportation a 12-month*
4 *interim report on the Inspector General's findings re-*
5 *garding the pilot program; and*

6 (3) *not later than 18 months after the date of*
7 *initiation of the pilot program, shall submit to Con-*
8 *gress and the Secretary an 18-month interim report*
9 *with the Inspector General's findings regarding the*
10 *pilot program.*

11 (b) *SAFETY DETERMINATIONS.—The interim reports*
12 *submitted under subsection (a) shall include the determina-*
13 *tion of the Inspector General of—*

14 (1) *whether the Secretary has established suffi-*
15 *cient mechanisms to determine whether the pilot pro-*
16 *gram is having any adverse effects on motor carrier*
17 *safety;*

18 (2) *whether the Secretary is taking sufficient ac-*
19 *tion to ensure that motor carriers domiciled in Mex-*
20 *ico and participating in the pilot program are in*
21 *compliance with all Federal motor carrier safety laws*
22 *and regulations and section 350 of Public Law 107–*
23 *87; and*

24 (3) *the sufficiency of monitoring and enforce-*
25 *ment activities by the Secretary and States to ensure*

1 *compliance with such laws and regulations by such*
2 *carriers.*

3 *(c) REPORT TO CONGRESS.—Not later than 60 days*
4 *after the date of submission of the 18-month interim report*
5 *of the Inspector General under this section, the Secretary*
6 *shall submit to Congress a report on—*

7 *(1) the actions the Secretary is taking to address*
8 *any motor carrier safety issues raised in one or both*
9 *of the interim reports of the Inspector General;*

10 *(2) evaluation of the Secretary whether granting*
11 *authority to additional motor carriers domiciled in*
12 *Mexico to operate beyond United States municipali-*
13 *ties and commercial zones on the United States-Mex-*
14 *ico border would have any adverse effects on motor*
15 *carrier safety;*

16 *(3) modifications to Federal motor carrier safety*
17 *laws and regulations or special procedures that the*
18 *Secretary determines are necessary to enhance the*
19 *safety of operations of motor carriers domiciled in*
20 *Mexico in the United States; and*

21 *(4) any recommendations for legislation to make*
22 *the pilot program permanent or to expand operations*
23 *of motor carriers domiciled in Mexico in the United*
24 *States beyond municipalities and commercial zones*
25 *on the United States-Mexico border.*

1 **SEC. 6. DURATION OF PILOT PROGRAM.**

2 (a) *IN GENERAL.*—*The Secretary of Transportation*
3 *may carry out the pilot program under this Act for a period*
4 *not to exceed 3 years; except that, if the Secretary does not*
5 *comply with any provision of this Act, the authority of the*
6 *Secretary to carry out the pilot program terminates.*

7 (b) *FINAL REPORT.*—*Not later than 60 days after the*
8 *last day of the pilot program, the Secretary shall submit*
9 *to Congress a final report on the pilot program.*

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